

Message

From: Holden, Bob [bholden@joneswalker.com]
Sent: 3/19/2019 11:23:14 PM
To: Lannen, Justin [Lannen.Justin@epa.gov]; Spina, Providence [Spina.Providence@epa.gov]; Caballero, Kathryn [Caballero.Kathryn@epa.gov]; Welton, Patricia [Welton.Patricia@epa.gov]; Payne, James [payne.james@epa.gov]; Ted R. Broyles II (Ted.Broyles@la.gov) [Ted.Broyles@la.gov]; Dwana King (dwana.king@la.gov) [dwana.king@la.gov]
CC: Kusaka, Akihiko [Akihiko-Kusaka@denka-pe.com]; Henry, Elise [ehenry@joneswalker.com]; Eric E. Jarrell (ejarrell@kingkrebs.com) [ejarrell@kingkrebs.com]; James, Amanda [Ajames@kingjurgens.com]
Subject: RE: DPE Plant Visit, 3/20/19 , Revised Agenda

Justin,

Thank you for the confirmation that EPA will not be bringing handheld PIDs and will not do any SPod demonstration offsite. We think that will be constructive for tomorrow's site visit.

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I know that time is pressing with the visit scheduled to commence at 7:30 AM tomorrow. Please feel free to call me if it would be helpful. My cell number is (b) (6)

Thanks for your attention to this.

Bob

Robert E. Holden | Partner
Jones Walker LLP
D: 504.582.8139
BHolden@joneswalker.com

From: Lannen, Justin <Lannen.Justin@epa.gov>
Sent: Tuesday, March 19, 2019 4:16 PM
To: Holden, Bob <bholden@joneswalker.com>; Spina, Providence <Spina.Providence@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Payne, James <payne.james@epa.gov>; Ted R. Broyles II (Ted.Broyles@la.gov) <Ted.Broyles@la.gov>; Dwana King (dwana.king@la.gov) <dwana.king@la.gov>
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Subject: [EXTERNAL] RE: DPE Plant Visit, 3/20/19 , Revised Agenda

Bob:

Thank you for your email. We are fine with your client's revision to the agenda (as presented in red font in your email).

You asked for confirmation that the site visit will "involve a walkthrough but not an inspection." We cannot confirm that. As we have indicated in our recent discussions and as Provi noted in her March 13, 2019 email to you, EPA is doing this site visit pursuant to its inspection and information gathering authorities under CAA Section 114. However, and as also noted in Provi's March 13 email, EPA's plan for the site visit is primarily to explore the possibility of a collaborative approach for on-site monitoring.

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FOIA 2020-05387_0000019

Regarding PID and/or SPod monitoring, EPA attendees will not bring any handheld PID monitors on-site. Further, EPA agrees that any SPod demonstration will take place off-site. EPA is planning, however, to bring a FLIR (forward-looking infrared) camera on-site. Use of a FLIR camera during the site visit will be a helpful tool in assessing potential locations of the SPods. Because EPA would utilize the FLIR camera to make real-time observations to inform possible future SPod placement, EPA would plan to operate the FLIR camera in "non-record" mode during the March 20 site visit.

We appreciate your client's cooperation and your efforts to accommodate EPA's schedule. Please let us know if you have any questions.

Regards,

Justin Lannen
Assistant Regional Counsel
Air Enforcement Branch, 6RC-EA
U.S. EPA, Region 6
1445 Ross Ave, Ste 1200
Dallas, TX 75202
214-665-8130

From: Holden, Bob <bholden@joneswalker.com>

Sent: Tuesday, March 19, 2019 10:25 AM

To: Lannen, Justin <Lannen.Justin@epa.gov>; Spina, Providence <Spina.Providence@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Payne, James <payne.james@epa.gov>; Ted R. Broyles II (Ted.Broyles@la.gov) <Ted.Broyles@la.gov>; Dwana King (dwana.king@la.gov) <dwana.king@la.gov>

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The following is our revised agenda:

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 - Description of efforts and resources spent by DPE to identify the sources of spikes
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- 12:30 – 130: Lunch

ED_004581_00011692-00002

FOIA 2020-05387_0000020

- Post walk-through discussion. EPA expects the discussion to involve the technical challenges with emissions offsite and improvements at the plant.

Robert E. Holden | Partner
D: 504.582.8139
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New Orleans, LA 70170
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Message

From: Krenik, Edward [edward.krenik@bracewell.com]
Sent: 3/20/2019 1:02:23 AM
To: Gray, David [gray.david@epa.gov]
Subject: Re: Bob's email

Thanks for working this through. Have a good night.

Ed

EDWARD KRENIK

Senior Principal

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From: "Gray, David" <gray.david@epa.gov>

Date: 3/19/19 8:32 PM (GMT-05:00)

To: "Krenik, Edward" <edward.krenik@bracewell.com>

Subject: Re: Bob's email

Ed,

Talked with our Enf Director Cheryl Seager and she has confirmed with our Region 6 team that we can achieve our objectives without the FLIR camera. We are tracking Justin to have him call Bob. We should be all set.

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Sent from my iPhone

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From: Holden, Bob

Sent: Tuesday, March 19, 2019 6:23 PM

ED_004581_00108102-00001

FOIA 2020-05387_0000052

To: 'Lannen, Justin' <Lannen.Justin@epa.gov>; Spina, Providence <Spina.Providence@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Payne, James <payne.james@epa.gov>; Ted R. Broyles II (Ted.Broyles@la.gov) <Ted.Broyles@la.gov>; Dwana King (dwana.king@la.gov) <dwana.king@la.gov>
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FOIA 2020-05387_0000053

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Thanks,

Ed

ED_004581_00108102-00003

FOIA 2020-05387_0000054

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From: "Krenik, Edward" <edward.krenik@bracewell.com>

Date: 3/19/19 12:46 PM (GMT-05:00)

To: Gray.David@epa.gov

Subject: Final agenda

EDWARD KRENIK

Senior Principal

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(welton.patricia@epa.gov) <welton.patricia@epa.gov>; Payne, James
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FOIA 2020-05387_0000057

Message

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Subject: Bob's email

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Robert E. Holden | Partner
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D: 504.582.8139

ED_004581_00108103-00001

FOIA 2020-05387_0000058

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Thanks,

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D: 504.582.8139

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Jones Walker LLP

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FOIA 2020-05387_0000061

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ED_004581_00108103-00005

FOIA 2020-05387_0000062

Message

From: Gray, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=881C62B1E54142388C1DE2F8E3799C33-GRAY, DAVID]
Sent: 3/20/2019 12:30:10 AM
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----- Original message -----

From: "Krenik, Edward" <edward.krenik@bracewell.com>

Date: 3/19/19 12:46 PM (GMT-05:00)

To: Gray.David@epa.gov

Subject: Final agenda

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From: Holden, Bob

Sent: Tuesday, March 19, 2019 10:25 AM

To: Justin Lannen (Lannen.Justin@EPA.GOV) <Lannen.Justin@EPA.GOV>; Spina, Providence <Spina.Providence@epa.gov>; Katheryn Pirrotta Caballero (Caballero.Kathryn@epa.gov) <Caballero.Kathryn@epa.gov>; Patricia Welton (welton.patricia@epa.gov) <welton.patricia@epa.gov>; Payne, James <payne.james@epa.gov>; Ted R. Broyles II (Ted.Broyles@la.gov) <Ted.Broyles@la.gov>; Dwana King (dwana.king@la.gov) <dwana.king@la.gov>

Cc: Kusaka, Akihiko <Akihiko-Kusaka@denka-pe.com>; Henry, Elise <ehenry@joneswalker.com>; Eric E. Jarrell (ejarrell@kingkrebs.com) <ejarrell@kingkrebs.com>; James, Amanda <Ajames@kingjurgens.com>

Subject: DPE Plant Visit, 3/20/19 , Revised Agenda

All:

This will confirm the agenda for tomorrow's site visit to the DPE facility. As you know, attorneys will not be present for the visit, so please pass this agenda on to your technical representatives. DPE has added one item, in red, to EPA's proposed agenda. We think it will be important for EPA to understand DPE's efforts to track down and understand sources of emissions causing ambient spikes before the plant tour.

In addition, to confirm, we understand that the site visit will involve a walkthrough, but that it is not an inspection. We would request that any monitoring with PIDs and/or any SPod demonstration take place offsite. We think this would contribute to making this a constructive visit.

The following is our revised agenda:

AGENDA

- 730 AM - EPA arrives onsite and is taken to 8770 Conf Room.
 - Safety Video presentation will be shown to the whole group in the 8770 Bldg.
- EPA presents its goals, go over any technology questions DPE may have, and lay out our EPA's preliminary ideas on the siting of the SPOD monitors and how the "base station" would communicate with the SPODs.
 - At this point, EPA would welcome thoughts and potential concerns from Denka.

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- DPE presentation and discussion updating and providing additional information about the spikes
 - Description of efforts and resources spent by DPE to identify the sources of spikes
- Next would be a site walk-through where EPA would assess the potential locations of the SPODs and where DPE could showcase the improvements it has made to the facility.
- 12:30 – 130: Lunch
- Post walk-through discussion. EPA expects the discussion to involve the technical challenges with emissions offsite and improvements at the plant.

Robert E. Holden | Partner
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